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DEPARTMENT OF BUSINESS AND INDUSTRY
EMPLOYEE-MANAGEMENT RELATIONS BOARD

2501 E. Sahara Avenue, Suite 203
Las Vegas, NV 89104
(702) 486-4504 Fax (702) 486-4355
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May 11, 2016

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment of Regulations of the

NEVADA LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT

RELATIONS BOARD

The Nevada Local Government Employee-Management Relations Board will hold a public hearing at **8:00 a.m. on June 15, 2016**, at:

***Local Government Employee-Management Relations Board
2501 East Sahara Avenue, Suite 203
Las Vegas, Nevada 89104***

The purpose of the hearing is to receive comments from all interested persons regarding the adoption and amendment of regulation R034-16, a copy of which is attached, and that pertains to chapter 288 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment. The need for and the purpose of the proposed amendments are to simplify the process by which entities interact with the agency. This is done by authorizing parties to electronically serve documents on other parties that have been filed with the agency, thus saving the time and expense of mailing or personally serving them. It also removes a current requirement that a complaint contain the addresses of the complainant and respondent. This is being eliminated both as unnecessary and also due to safety concerns of parties involved in cases. The regulation simplifies the process of computing the deadlines for the filing of documents by adopting the same system used by the courts, with which attorneys are already familiar. Finally, the regulation prohibits attaching documents to complaints, answers, prehearing statements and petitions in order to prevent documents getting into the administrative record without the opportunity for opposing parties to contest their inclusion.

2. A description of the subjects and issues involved: The proposed regulation does four things. First, the regulation authorizes the electronic service of certain documents while allowing a person to request to opt out of electronic service. Secondly, the regulation adopts the time computation rules of the Nevada Rules of Civil Procedure for the computation of any period prescribed by chapter 288 of NAC or an order of the Local Government Employee-Management Relations Board. Thirdly, the regulation prohibits a person from attaching any document to certain documents filed with the Board. Finally, the regulation removes the requirement that the addresses of the complainant and respondent be included in a complaint filed with the Board.

Any person may obtain a copy of the proposed amendments by submitting a request in writing to the Nevada Local Government Employee-Management Relations Board, 2501 E. Sahara Ave., Ste. 203, Las Vegas, NV 89104.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

(a) **Both adverse and beneficial effects:** The proposed amendments will improve interaction with the agency. Regulatory changes effective in early 2015 allowed for the electronic filing of documents with the agency. Sections 1 and 2 would allow parties to electronically serve those same documents on other parties to a case, thus eliminating the need to either mail those documents or else personally serve other parties with those documents, thus saving both time and expense. There is a provision in Section 1 that would allow a person to opt out of being served by electronic service. This request came from the user community at the agency's annual open forum in January 2016.

Documents subsequent to the filing of a complaint have deadlines for when they must be filed. Section 3 of the regulation simplifies the computation of these deadlines by adopting the Nevada Rules of Civil Procedure 6(a) and 6(e). These rules are well-understood by attorneys who practice in the state courts. Adopting the same rules will improve consistency and ease understanding of those who practice before the agency. This request came from the user community at the agency's annual open forum in January 2016.

Sections 4, 5, 6 and 7 prohibit a person from attaching any document, including an exhibit, respectively, complaints, answers, prehearing statements and petitions. All filings with the agency become part of the administrative record for a given case. This has been a means whereby a person attempts to get a document into the administrative record without an opposing party having an opportunity to object to the document. Documents may still become part of the administrative record either by the filing of a motion or other document related thereto or at a hearing. Both of these instances allow an opposing party to object to a given document and thus makes for a better record of the case. There is a beneficial effect in that less paperwork will be filed with the agency, absent a full hearing occurring later in the case.

Section 4 also removes the requirement that the addresses of the complainant and respondent be included in a complaint. This request came from the user community at the agency's annual open forum in January 2016, at which time a concern was expressed that including the addresses in the complaint is a security concern, especially for public safety employees. Moreover, the agency already has addresses on file for all local governments and employee organizations, as well as for the attorneys who practice before the agency. Thus the regulation would slightly simplify the drafting of a complaint.

(b) **Both immediate and long-term effects.** There are no immediate or long-term economic effects.

The agency determined that there was no adverse economic impact on small businesses by determining that the agency does not directly regulate small businesses and by ascertaining that the substance of the regulations does not impose an adverse economic burden on any entity. In addition, the agency sought public input prior to conducting a workshop on the proposed regulations and the input it received was positive with respect to the proposed regulation.

4. The estimated cost to the agency for enforcement of the proposed regulation. There is no estimated additional cost for the Local Government-Employee Management Relations Board to enforce the proposed amendments.

5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency. The proposed amendment does not overlap or duplicate any regulations of other state or local governmental agencies.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law. The regulation is not required pursuant to federal law.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions. No existing federal regulation regulates the same activity.

8. Whether the proposed regulation establishes a new fee or increases an existing fee. The proposed amendments do not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Local Government Employee-Management Relations Board may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Nevada Local Government Employee-Management Relations Board, 2501 E. Sahara, Ste. 203, and Las Vegas, Nevada 89104. Written submissions must be received by the Local Government Employee-Management Relations Board on or before June 14, 2016. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Local Government Employee-Management Relations Board may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Local Government Employee-Management Relations Board, 2501 E. Sahara, Ste. 203, Las Vegas, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request.

A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

(cont'd on next page)

This notice of hearing has been posted at the following locations:

Carson City Library
900 North Roop Street
Carson City, NV 89701

Las Vegas-Clark County Library District
833 Las Vegas Blvd North
Las Vegas, NV 89101

Elko County Library
720 Court Street
Elko, NV 89801

Eureka County Library
10190 Monroe Street
Eureka, NV 89316

Battle Mountain Branch Library
625 South Broad Street
Battle Mountain, NV 89820

Lyon County Library System
20 Nevin Way
Yerington, NV 89447

Tonopah Public Library
167 South Central Street
Tonopah, NV 89049

Storey County Public Library
95 South "R" Street
Virginia City, NV 89440

White Pine County Library
950 Campton Street
Ely, NV 89301

Churchill County Library
553 South Maine Street
Fallon, NV 89406

Douglas County Public Library
1625 Library Lane,
Minden, NV 89423

Esmeralda County Library
PO Box 430
Goldfield, NV 89013

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445

Lincoln County Library
63 Main Street
Pioche, NV 89043

Mineral County Public Library
110 First Street
Hawthorne, NV 89415

Pershing County Library
1125 Central Avenue
Lovelock, NV 89419

Washoe County Library System
301 South Center Street
Reno, NV 89501-2102

Nevada State Library & Archives
100 North Stewart Street
Carson City, NV 89701-4285

Grant Sawyer State Building
555 E. Washington Ave.
Las Vegas, NV 89101
Attn: Capitol Police